

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARION Y. TURNER,

Petitioner,

v.

CASE NO. 05-70723

HONORABLE JOHN CORBETT O'MEARA

KENNETH ROMANOWSKI,

Respondent.

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ORDER DENYING PETITIONER'S MOTION TO MODIFY
THE ORDER DENYING RELEASE ON BOND

In 2005 petitioner Darion Y. Turner filed a habeas corpus petition challenging his convictions for two counts of second-degree murder and one count of felony firearm. On September 28, 2007, the Court denied the petition and denied as moot Petitioner's motion for release on bond. Petitioner appealed the Court's decision, and on November 8, 2007, the Court granted a certificate of appealability on Petitioner's ineffective-assistance-of-counsel claims. Petitioner's appeal currently is pending in the United States Court of Appeals for the Sixth Circuit.

Pending before this Court is Petitioner's motion for modification of the Court's prior order denying bond. He contends that he has presented substantial constitutional claims on appeal and that he has a high probability of success.

Although Petitioner has alleged a substantial question of law on appeal from the Court's decision, this case does not present exceptional circumstances requiring release on bond. Accordingly, Petitioner's motion to modify the Court's previous ruling on bond [Dkt. #54] is

DENIED. *Aronson v. May*, 85 S. Ct. 3, 5 (1964).

s/John Corbett O'Meara

United States District Judge

Date: January 7, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 7, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager